

**Subject:** more on sidewalks  
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**Date:** 06/10/2013 02:31 PM  
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Both state and city law have placed the responsibility for sidewalks on the adjacent property owner.

The California Streets and Highways Code Sections 5610 and 5611 state that the adjacent property owner is responsible for maintaining the sidewalk. Section 5611 further speaks to sidewalks in a condition to endanger persons: "When any portion of the sidewalk is out of repair or pending reconstruction and in condition to endanger persons or property or in condition to interfere with the public convenience in the use of such sidewalk, the superintendent of streets shall notify the owner or person in possession of the property fronting on that portion of such sidewalk so out of repair, to repair the sidewalk."

With the exception of damage due to tree root growth, the City's Municipal Code is similar. I have reprinted the relevant passage below.

Jane Usher

□ **SEC. 62.104. CURB AND SIDEWALK REPAIRS.**  
**(Amended by Ord. No. 146,040, Eff. 7/13/74.)**

When a sidewalk, driveway or curb constructed on any street shall be out of repair or in need of reconstruction, or in a condition to endanger persons or property passing thereon, or in a condition to interfere with the public convenience in the use thereof, the Board may require that the owners or occupants of lots or portions of lots fronting on said sidewalk, or curb and on the same side of the street where such sidewalk, driveway or curb is located to repair or reconstruct the sidewalk, driveway or curb, or both. The Board may give written notice thereof to the owners of the adjoining premises, or to their agents or to the occupants of such premises, or by leaving a copy of such notice on such premises.

(a) **Notice – Content of.** Said notice shall contain a description of the work required to be done and shall designate the materials to be used and shall specify the manner in which said work shall be done.

(b) **Time Required for Repairs.** Any owner, agent or occupant of any such premises, within two weeks after notice given as provided herein, shall commence the work of repair or reconstruction, or both, and shall do said work in the manner and with the materials specified in said notice. No owners, agent or occupant of any such premises where notice is given as provided herein shall fail, refuse, or neglect to commence the work required in said notice within the time permitted herein, nor shall any such person after having begun such work fail, refuse, or neglect to proceed diligently with the work to completion in the manner and with the materials specified in said notice.

(c) **Failure to Repair.** In the event a person neglects, fails, or refuses within two weeks after notification, to begin the work of repair or reconstruction of the property designated in the notice, or fails to prosecute the work diligently to completion, the Board shall have the power to perform the work described in the notice. **(Amended by Ord. No. 175,596, Eff. 12/7/03.)**

(d) **Preventive Measures.** The Board is authorized to take preventive action such as root pruning or tree removal to prevent damage to curbs, driveways or sidewalks.

(e) **Determination of Responsibility for Damage. (Amended by Ord. No. 175,596, Eff. 12/7/03.)** Whenever the Board determines that a curb, driveway or sidewalk is damaged as the result of negligence or violation of this Code and the Board determines the responsible party, all costs incurred pursuant to this section shall be a personal obligation of the responsible party, recoverable by the City in an action before any court of competent jurisdiction. These costs shall include an amount equal to 40 percent of the cost to perform the actual work, but not less than the sum of \$100.00, to cover the City's costs for administering any contract and supervising the work required. In addition to this personal obligation and all other remedies provided by law, if the Board determines that a curb, driveway or sidewalk is damaged to such an extent as to create a menace to the public health, welfare and safety, and to constitute a public nuisance, the City may collect any judgment, fee, cost, or charge, including any permit fees, fines, late charges, or interest, incurred in relation to the provisions of this section as provided in Los Angeles Administrative Code Sections [7.35.1](#) through [7.35.8](#).

**EXCEPTION:** Preventive measures and repairs or reconstruction to curbs, driveways or sidewalks required as the result of tree root growth shall be repaired by the Board at no cost to the adjoining property owner.